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to the Petitioners stand vitiated and are non-est in the eyes of law. A party attempting to play a fraud on the Authorities cannot be permitted to take advantage of his own wrong. The contention of Mr. Agrawal that, the Petitioners have constructed 80% of the building has no merit at all. His contention that, the Petitioners have expended over Rs. 17 crores on the said project also cannot be countenanced. The investment of a Developer or by flat purchasers of said property cannot be a ground for regularizing an illegality or irregularity.

6) The Supreme Court in *Rajendra Kumar Barjatya and Another v/s. UP Avas Evam Vikas Parishad and Others* reported in 2024 SCC OnLine SC 3767; has entrusted the responsibility on all Courts to take stern action against all illegalities and irregularities. In paragraph No.20, has held as under :-

*“20. In the ultimate analysis, we are of the opinion that construction(s) put up in violation of or deviation from the building plan approved by the local authority and the constructions which are audaciously put up without any building planning approval, cannot be encouraged. Each and every construction must be made scrupulously following and strictly adhering to the Rules. In the event of any violation being brought to the notice of the Courts, it has to be curtailed with iron hands and any lenience afforded to them would amount to showing misplaced sympathy. Delay in directing rectification of*



*illegalities, administrative failure, regulatory inefficiency, cost of construction and investment, negligence and laxity on the part of the authorities concerned in performing their obligation(s) under the Act, cannot be used as a shield to defend action taken against the illegal/unauthorized constructions. That apart, the State Governments often seek to enrich themselves through the process of regularisation by condoning/ratifying the violations and illegalities. The State is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment. Hence, regularization schemes must be brought out only in exceptional circumstances and as a onetime measure for residential houses after a detailed survey and considering the nature of land, fertility, usage, impact on the environment, availability and distribution of resources, proximity to water bodies/rivers and larger public interest. Unauthorised constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, also have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development and authorized activities. Master plan or the zonal development cannot be just individual centric but also must be devised keeping in mind the larger interest of the public and the environment. Unless the administration is streamlined and the persons entrusted with the implementation of the act are held*



*accountable for their failure in performing statutory obligations, violations of this nature would go unchecked and become more rampant. If the officials are let scot-free, they will be emboldened and would continue to turn a nelson's eye to all the illegalities resulting in derailment of all planned projects and pollution, disorderly traffic, security risks, etc.”*

6.1) The Hon'ble Supreme Court in case of *Kaniz Ahmed Vs. Sabuddin and Ors.*, reported in *2025 SCC OnLine SC 995*, in paragraph No.7 has held as under:

*“7. Thus, the Courts must adopt a strict approach while dealing with cases of illegal construction and should not readily engage themselves in judicial regularisation of buildings erected without requisite permissions of the competent authority. The need for maintaining such a firm stance emanates not only from inviolable duty cast upon the Courts to uphold the rule of law, rather such judicial restraint gains more force in order to facilitate the well-being of all concerned. The law ought not to come to rescue of those who flout its rigours as allowing the same might result in flourishing the culture of impunity. Put otherwise, if the law were to protect the ones who endeavour to disregard it, the same would lead to undermine the deterrent effect of laws, which is the cornerstone of a just and orderly society.[See: Ashok Malhotra v. Municipal Corporation of Delhi, W.P. (c) No. 10233 of 2024 (Delhi High Court)]”*

7) In the present case we find that, the Petitioners contended that, as



per the report dated 1<sup>st</sup> October, 2021 the subject property was unaffected by 24-meter as well as 36-meter DP Roads. Reliance was placed upon the report to submit that, the permissions were obtained based on this report. Diametrically opposite to the aforesaid contention the Petitioners contend that, the subject plot was affected by the DP Roads and consequently the Petitioners voluntarily released an area of 386.68 square meters in favour of the Corporation.

8) Prima facie it appears that the Petitioners have attempted to approbate and reprobate. It appears that, the Petitioners were all throughout aware that the subject property was affected by DP Roads on either side of the subject property. It further appears that, with the help of their Architect, they have presented misleading documents to the Corporation to obtain the development permissions. In that case, the Petitioners are not entitled to any sympathy or leniency. Such sympathy or leniency if afforded would be entirely misplaced. Therefore, although permissions were obtained from the UMC, they would, in our view, be null and void, having been procured by misrepresentation and by the submission of incorrect material and documents, rendering the entire structure illegal. The Supreme Court in unambiguous terms have called upon the Court to not get swayed away by misplaced sympathies and take stern action against persons like the Petitioners who attempt to play a fraud not only on the State, its Authorities but also the Courts.



9) The attempt to set aside the Show Cause Notice on the ground that all the grounds were not set out in the same for the Petitioners to appropriately deal with the same, is yet another attempt in our view to delay and defeat the inevitable result. Though this ground may be relevant, directing issuance of a fresh show cause notice and hearing will in no way change the result. As noted earlier, the Petitioners have obtained building permission by misrepresenting facts and documents before the UMC.

10) A plain reading of the Order would show that, no such ground was taken by the Petitioners before the concerned Authority. It clearly appears to be an afterthought. The Courts have consistently held that, a party coming with unclean hands deserves to be thrown out at the very first stage and does not deserve any relief either in equity or in law.

11) In the present case, we find that, the Petitioners have clearly misled the Corporation and has obtained permissions fraudulently. It is evident that, even the concerned Officer/(s) of the UMC have failed in his duty to verify the documents before granting the permissions.

12) The Municipal Authorities are the guardians of the City and its planned development. The Municipal Commissioner heading these Corporations owe a duty to the citizens and the State for the planned development and consequently removal of all unauthorized or illegal constructions. The State owes the citizens, a strict, stern and appropriate action against all the erring or delinquent Officers who have polluted the



entire system. Their removal is imperative. The system has to be cleansed.

13) The illegality has been nipped in the bud. The Commissioner UMC, has taken appropriate action against the erring officer, particularly since the entire construction is illegal.

14) The Court must play its role in uprooting such illegalities. Following the principles of law laid down in *UP Avas Nigam* (supra) and *Kaniz Ahmed* (supra), we see no reason to accede to the request made by the Petitioners Advocate. The request is accordingly rejected.

15) The UMC shall take necessary action as per the Notice in accordance with law.

16) Petition is dismissed.

17) Having considered our view in the matter, Mr. Agrawal, learned Advocate for the Petitioners sought a stay for a period of four weeks to enable him to approach the Supreme Court to test the Order.

18) We find no reason to stay the operation and implementation of the Order.

19) Place the matter for compliance on 17<sup>th</sup> June, 2026.

20) All concerned to act on the authenticated copy of this Order.

21) In view of disposal of the Writ Petition, Interim Application No.568 of 2025 does not survive and is accordingly disposed off.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)